

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE GERALDES,

Plaintiff,

-against-

SPANISH DANCE ARTS COMPANY, INC.,
et al.,

Defendants.

23-CV-03925 (AS)

OPINION & ORDER

ARUN SUBRAMANIAN, United States District Judge:

This is a lawsuit for unpaid wages under New York Labor Law. *See* Dkt. 1 ¶¶ 59–66; Dkt. 21 at 1. In addition, plaintiff alleges that defendant failed to provide proper wage notices and wage statements, in violation of the New York State Wage Theft Prevention Act (WTPA). *See* Dkt. 1 ¶ 69. In a joint status letter, defendant asserted that this Court lacks subject-matter jurisdiction over plaintiff’s wage notice and statement claims. Dkt. 21 at 2. The issue was further discussed at the initial pretrial conference. After, the parties submitted emails with further support for their respective positions. “Because the standing issue goes to this Court’s subject matter jurisdiction, it can be raised *sua sponte*.” *Cent. States Se. & Sw. Areas Health & Welfare Fund v. Merck-Medco Managed Care, L.L.C.*, 433 F.3d 181, 198 (2d Cir. 2005). For the reasons explained below, plaintiff’s wage notice and statement claims are DISMISSED *sua sponte* for lack of Article III standing.

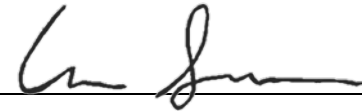
In her complaint, plaintiff alleges that her weekly working hours were “not itemized on her bi-monthly wage statement” and that she “did not receive annual wage notices” required by law. Dkt. 1 ¶¶ 38, 42, 69–70. As explained in this Court’s opinion in *Cartagena v. Sixth Avenue West Associates LLC*, No. 23-cv-03611-AS (S.D.N.Y. Sept. 28, 2023), at Dkt. 20, such allegations are insufficient. Plaintiff must identify the “downstream consequences from failing to receive the

required information” because “informational injury that causes no adverse effects cannot satisfy Article III.” *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190, 2214 (2021).

Plaintiff may amend her complaint to cure the standing deficiencies identified in this order no later than October 12, 2023. If she chooses to do so, she should provide specific factual allegations regarding how defendant violated the WTPA and what harm resulted to her because of that statutory violation.

SO ORDERED.

Dated: September 28, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge